

**LOCAL RULES
UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF FLORIDA**

GENERAL RULES

Rule 1.1 Scope of the Rules; Citation

These rules apply to all proceedings in the United States District Court for the Northern District of Florida. But they apply to proceedings in the Bankruptcy Court only when not inconsistent with the Bankruptcy Court's own local rules. These rules may be cited as "N.D. Fla. Loc. R." Administrative orders that govern matters not addressed in these rules are available on the District's website.

Rule 2.1 Definitions

In these rules:

- (A) "this District" or "the District" means the Northern District of Florida;
- (B) "the Clerk" means the Clerk of Court, Northern District of Florida;
- (C) the "Court" means an assigned judge in a case;
- (D) an "assigned judge" includes each judge assigned to a case (and in most cases, this includes both a district judge and a magistrate judge);
- (E) a reference to any kind of written material or any other medium includes electronically stored information; and
- (F) references to an "attorney" include a party proceeding pro se unless the context clearly indicates the contrary.

Rule 3.1 Divisions

- (A) **Boundaries.** The District has four divisions:
 - (1) the Pensacola Division includes Escambia, Santa Rosa, Okaloosa, and Walton Counties;

- (2) the Panama City Division includes Jackson, Holmes, Washington, Bay, Calhoun, and Gulf Counties;
 - (3) the Tallahassee Division includes Leon, Gadsden, Liberty, Franklin, Wakulla, Jefferson, Taylor, and Madison Counties; and
 - (4) the Gainesville Division includes Alachua, Lafayette, Dixie, Gilchrist, and Levy Counties.
- (B) **Removed Cases.** A removed case must be filed in the division that includes the county where the case was pending in state court.
- (C) **Transfer; Place of Keeping a File.** A case will remain pending in the division where it was filed unless the Court enters an order transferring it. When there is a physical file, the Clerk may keep it in a division that includes an assigned judge's principal office, even if the case is pending in another division. A physical file may not be withdrawn from the Clerk's office by anyone other than a judge or judge's employee.
- (D) **Place of Trial or Hearing.** A trial or hearing will occur in the division where a case is pending, unless the Court directs otherwise.

Rule 4.1 Serving Process on Behalf of a Party Proceeding *In Forma Pauperis*

- (A) **Court Authorization Required.** A party who is not represented by an attorney and who has moved or intends to move for leave to proceed *in forma pauperis* must not serve process—and must not request a waiver of service under Federal Rule of Civil Procedure 4(d)(1)—until the Court enters an order authorizing it. The Court may direct the manner of serving process or requesting a waiver.
- (B) **Serving a Correctional Officer or Employee.** The Court may direct the manner of personal service on a correctional officer or other employee of a correctional facility and may require the use of a process server designated for a specific correctional facility.

Rule 5.1 Form of Documents

- (A) **Scope of the Rule.** This rule sets out the required form of each document filed in a case other than an exhibit or other material not created for filing in the case.
- (B) **Case Style and Heading.** The first page of a document must begin with the case

style. The case style must include the name of the court, the case number (including the initials of any assigned judges), and the name of at least one party on each side of the case (as framed by the first pleading or amended by an order or by substitution of a party under Federal Rule of Civil Procedure 25(d)). The document must include a heading after the case style but before any other content. The heading must clearly identify the document.

- (C) **Format.** A document must be double spaced with at least 14-point font and at least one-inch margins on the top, bottom, left, and right of each page. Pages must be numbered. Handwritten documents must be legible with adequate spacing between lines. Hard copies should be securely fastened in the upper left-hand corner.
- (D) **Signature Block for an Attorney.** A document filed by an attorney must include a signature block with the attorney's handwritten or electronic signature, typed name, bar number, street and email addresses, and telephone number. The signature block must identify by name or category the parties on whose behalf the document is filed.
- (E) **Signature Block for a Pro Se Party.** A document filed by a pro se party must include a signature block with the party's handwritten signature, typed or printed name, street address, email address if the party has one, and telephone number if the party has one. But the signature may be electronic if an administrative rule or court order allows the party to file the document electronically.
- (F) **Certificate of Service.** A document must include a certificate of service—with an electronic or handwritten signature—setting out the date and method of service, unless:
 - (1) each party on whom it will be served either (a) is represented by an attorney who will be served through the electronic filing system, or (b) has not yet appeared and will be served through formal service of process; or
 - (2) the document is properly being filed *ex parte*.

Rule 5.2 Civil Cover Sheet

An attorney who files or removes a civil case must simultaneously file a civil cover sheet on a form available without charge from the Clerk or on the District's website. But the Court may allow the civil cover sheet to be filed later. A pro se party need not file a civil cover sheet.

Rule 5.3 Paying the Fee or Proceeding *In Forma Pauperis*

A party who files or removes a civil case must simultaneously either pay any fee required under 28 U.S.C. § 1914 or move for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. The Clerk must open the case and refer any motion for leave to proceed *in forma pauperis* to an

assigned judge. A party who moves for leave to proceed *in forma pauperis* must simultaneously file a financial affidavit on a form available without charge from the Clerk or on the District's website. The motion must also be on a form available without charge from the Clerk or the District's website unless filed by an attorney. Unless otherwise ordered, a person in custody will not be excused from paying the \$5 fee for filing a habeas petition if the person has a prison account with a balance of \$25 or more.

Rule 5.4 Electronic Filing

- (A) **When Required.** Unless the Court orders otherwise, every document submitted for filing must be submitted through the electronic filing system, not in hard copy or by facsimile or other means, except that the following documents may—and if so required by an administrative order or an order in a case must—be filed in hard copy:
- (1) An exhibit introduced at a trial or hearing;
 - (2) A document filed under seal;
 - (3) A document filed by a party pro se.
- (B) **As Effective as a Hard Copy.** An order, sworn document, or other document that is electronically filed in the proper case file has exactly the same effect as would a substantively identical hard copy.
- (C) **Responsibility for Electronically Filed Signatures.** An attorney who electronically files a document with the attorney's handwritten or electronic signature—or who authorizes another person to electronically file such a document—is responsible for the document just as if it had been filed in hard copy with the attorney's handwritten signature. And a party is responsible for a document electronically filed on the party's behalf with the party's or an attorney's handwritten or electronic signature, just as if the document had been filed in hard copy with the party's or attorney's handwritten signature.
- (D) **Sworn documents.** By electronically filing a copy of a document with an original seal or certification or a sworn original signature, an attorney certifies that the attorney has custody of the original. The attorney must make the original available for inspection and copying by any other party or the Court and must file the original if the Court so orders. If the original is not filed, the attorney must retain the original for at least two years after the litigation—including all appeals—has ended.
- (E) **Effective Date of an Electronic Filing.** A document is electronically filed when the filing is accepted by the District's electronic filing system. A filing is made on a date if it is made prior to midnight on that date in local time at the place of holding court in the division where the case is pending.

- (F) **Service on Other Parties.** A document that is electronically filed and that is electronically served on a party through the electronic filing system need not be served on that party by any other means, unless the Court so orders. An attorney's participation in the electronic filing system constitutes consent to accept service through the electronic filing system.
- (G) **Responsibility for a Filing and for the Accuracy of the Docket.** The attorney who authorizes the electronic filing of a document is responsible for it under this rule regardless of whether the attorney actually makes the electronic filing or authorizes another person to do so. And the attorney must ensure that the document is accurately docketed.

Rule 5.5 Sealing Case Files and Documents; Redacting Documents

- (A) **General Rule.** Each case file and each document filed in it is public unless one of these provides otherwise: a statute, court rule, administrative order, or order in the case. The Court may, by an order in the case, modify any sealing or redaction requirement set out in an administrative order or this rule.
- (B) **Documents That May Be Sealed Without an Order.** When a statute, court rule, or administrative order requires the sealing of a category of documents, a party may submit a document in that category for filing under seal, without moving for leave to file the document under seal. The Clerk must maintain the document under seal unless the Court orders otherwise.
- (C) **Documents That May Be Sealed Only with an Order.** A party who wishes to file any other document under seal must, if feasible, move in advance for leave to file the document under seal. The party may submit the document for filing under seal only if the Court authorizes it. If a party submits a document for filing under seal before the Court authorizes it—either because obtaining advance authorization was not feasible or in violation of this rule—the Clerk must promptly refer the sealing issue to the Court and must maintain the document under seal until otherwise ordered.
- (D) **Filing Redacted Versions of Sealed Documents.** When feasible, a party who files a document under seal must file a redacted version that will become part of the public file. Filing a redacted version is feasible unless (1) a person could infer from the redacted version the substance or import of the information that called for sealing the original or (2) the redacted version would include so little information that publicly filing it would serve no purpose.
- (E) **Redacting Documents That Are Improperly Filed with Personal Identifiers.** If a party violates Federal Rule of Civil Procedure 5.2 or Federal Rule of Criminal Procedure 49.1 by failing to redact a personal identifier, the party must promptly file a properly redacted substitute. When the substitute is filed, the Clerk must seal the unredacted original.

Rule 5.6 Notice of a Prior or Similar Case

A party who files or removes a case must file a notice—and if the party fails to do so any other party with knowledge of the circumstances must file a notice—if:

- (A) a case in this District that includes an identical claim—or a similar claim—between some or all of the same or related parties was previously terminated by any means; or
- (B) the new case involves issues of fact or law in common with the issues in another case pending in the District.

Rule 5.7 Pro Se Civil-Rights Cases and Collateral Attacks on Criminal Convictions

- (A) **Required Forms.** A party not represented by an attorney must file any of these only on a form available without charge from the Clerk or on the District’s website: a petition for a writ of habeas corpus, a motion for relief under 28 U.S.C. § 2255, or a complaint in a civil-rights case. A case is a civil-rights case if it asserts a claim under the United States Constitution or a statute creating individual rights, including, for example, 42 U.S.C. § 1983 or the Civil Rights Act of 1964. The Court need not—and ordinarily will not—consider a petition, motion, or complaint that is not filed on the proper form.
- (B) **Requirement to Set Out Claims and Facts as Part of the Form; Memorandum Optional.** A petition, motion, or complaint described in subdivision (A) must set out specific claims and supporting facts and may not make reference to a memorandum. A party may, but need not, also file a memorandum with the petition, motion, or complaint. A petition, motion, or complaint, together with any memorandum, must not exceed 25 pages, unless the Court authorizes it.
- (C) **Applicability of Federal Rules in Collateral Attacks.** The Rules Governing Section 2254 Cases in the United States District Courts, as adopted by the Supreme Court, apply to all habeas corpus petitions in this District whether or not filed under section 2254. The Rules Governing Section 2255 Proceedings for the United States District Courts, as adopted by the Supreme Court, apply to all section 2255 motions.

Rule 5.8 Special Procedural and Filing Requirements Applicable to Habeas Corpus Involving the Death Penalty

- (A) In habeas corpus cases involving the death penalty, it is the responsibility of the party who first makes reference in a pleading or instrument to a deposition or an exhibit to:

- (1) Obtain either the original or a certified copy of that deposition and include that deposition or exhibit as an exhibit to their pleading or instrument; or
 - (2) To file a certificate indicating why the deposition or exhibit is not included as an exhibit to the pleading or instrument.
- (B) It is the responsibility of the party offering for filing any portion of a prior state or federal court record or transcript to:
- (1) Obtain from the Clerk's office a habeas corpus checklist and review the various phases of court proceedings identified on the checklist.
 - (2) Review each prior state or federal court record to be submitted and identify, within each record, the first page of every portion of the submitted record identified on the checklist, using the colored tabs and numbering scheme as indicated below:
 - (a) Petitioner shall use red index tabs and shall sequentially number the index tabs commencing with the number "P-1," "P-2," etc.
 - (b) Respondent shall employ blue index tabs and shall sequentially number the index tabs commencing with the number "R-1," "R-2," etc.
 - (c) Amicus curiae or other parties permitted to intervene or otherwise participate shall employ green index tabs and shall sequentially number the index tabs commencing with the number "X-1," "X-2," etc.
 - (3) Cross-reference the index tab number to the checklist.
 - (4) File a completed checklist concurrently with the filing of the first pleading or instrument which makes reference to any portion of a prior state or federal court record or transcript.
 - (5) Serve a copy of the checklist on all parties and file a certificate of service along with the checklist, indicating service upon all parties.
- (C) In order to facilitate the timely and efficient processing of habeas corpus capital cases, checklists and index tabs may be obtained in advance of filing from the Clerk's office.

Rule 5.9 Trial and Hearing Exhibits

- (A) **Tendering and Maintaining Exhibits.** An exhibit tendered or received in evidence during a trial or hearing must be delivered to the Clerk, and the Clerk must maintain custody of the exhibit, with these exceptions:

- (1) the Court may order otherwise;
 - (2) a sensitive exhibit—such as a weapon, drug, cash, pornography, or thing of high value—may be retained by the law enforcement agency or party who offered it, and in that event the agency or party must maintain the integrity of the exhibit;
 - (3) the Clerk may release an exhibit temporarily to an assigned judge, the judge’s staff, or the court reporter.
- (B) **Retrieving Exhibits After the Litigation.** Within 90 days after a case is closed and all appeals have been exhausted, the party who offered an exhibit must retrieve it from the Clerk. The Clerk may destroy an exhibit not timely retrieved.

Rule 6.1 Extensions of Time and Continuances

Only the Court may continue a trial, hearing, or other proceeding. A stipulation to extend a deadline is effective only with Court approval. But the parties may stipulate to extend a deadline for responding to a specific discovery request or for making a Federal Rule of Civil Procedure 26 disclosure if the extension does not interfere with the time set for any of these: completing discovery, submitting or responding to a motion, or trial.

Rule 7.1 Motions

- (A) **How Made.** An oral motion may be made during a properly noticed trial or hearing. Any other motion must be in writing in the form required by Local Rule 5.1 and this Local Rule 7.1. A request for action of any kind relating to a case can never be made by a letter to a judge.
- (B) **Attorney Conference Required.** Before filing a motion raising an issue, an attorney for the moving party must attempt in good faith to resolve the issue through a meaningful conference with an attorney for the adverse party. The adverse party’s attorney must participate in the conference in good faith. The conference may be conducted in person, by telephone, in writing, or electronically, but an oral conference is encouraged. An email or other writing sent at or near the time of filing the motion is not a meaningful conference. When a conference is conducted in writing or electronically, an attorney ordinarily should be afforded at least 24 hours—as calculated under Federal Rule of Civil Procedure 6—to respond to a communication.
- (C) **Certificate Required.** A motion or supporting memorandum must include a certificate—under a separate heading—confirming that the moving party complied with the attorney-conference requirement of Local Rule 7.1(B) and setting out the

results.

- (D) **Exceptions: Attorney Conference and Certificate Not Required.** An attorney conference and certificate are not required for a motion that would determine the outcome of a case or a claim, for a motion for leave to proceed *in forma pauperis*, or for a motion that properly may be submitted *ex parte*.
- (E) **Supporting and Opposing Memoranda Required; Deadline.** A party who files a written motion must file a supporting memorandum in the same document with, or at the same time as, the motion. A party who opposes the motion must file a memorandum in opposition. Unless otherwise ordered, the deadline for a memorandum opposing a motion (other than a summary-judgment motion) is 14 days after service of the motion, without a 3-day extension based on electronic service of the motion. The deadline and other requirements that apply to a summary-judgment motion are set out in Local Rule 56.1.
- (F) **Page Limit.** A memorandum must not exceed 25 pages. In extraordinary circumstances, the Court may grant leave to file a longer memorandum, but doing so is disfavored. A party who moves for leave to file a longer memorandum may attach the proposed memorandum to the motion if all opposing parties consent to the motion; otherwise the party must obtain leave to file the longer memorandum before tendering the longer memorandum.
- (G) **Exceptions: Memoranda Not Required.** Supporting and opposing memoranda are not required for:
 - (1) an unopposed motion;
 - (2) a motion for leave to proceed *in forma pauperis*;
 - (3) a motion for leave for an attorney to appear pro hac vice or withdraw or for substitution of counsel;
 - (4) a motion to withdraw or substitute exhibits;
 - (5) a motion to exceed a page limit or for leave to file a reply memorandum.
- (H) **Failing to File a Required Memorandum.** The Court may deny a moving party's motion if the party does not file a memorandum as required by this rule. The Court may grant a motion by default if an opposing party does not file a memorandum as required by this rule.
- (I) **Reply Memoranda.** A party ordinarily may not file a reply memorandum in support of a motion. But a party may file a reply memorandum in support of a summary-judgment motion under Local Rule 56.1(D). And in extraordinary circumstances, the Court may grant leave to file a reply memorandum in support of another motion. A reply memorandum must not exceed 10 pages unless the Court sets a higher limit. When leave to file a reply memorandum is required, a party must obtain leave before

tendering the reply memorandum.

- (J) **Notices of Supplemental Authority.** If a pertinent and significant authority comes to a party's attention after the party's memorandum has been filed—or after a hearing but before decision—the party may file a notice of supplemental authority. The notice must not exceed 350 words. A copy of the cited authority may be attached. Any response must be made promptly and must be similarly limited.
- (K) **Oral Argument.** The Court may—and most often does—rule on a motion without oral argument, even if a party requests oral argument. But the Court may set an oral argument on its own or at the request of a party. A request may be made as part of the motion or supporting or opposing memorandum, should be set out under a separate heading, and should include an estimate of the required time.
- (L) **Emergencies.** A motion that requires a ruling more promptly than would occur in the ordinary course of business may be labeled an emergency. The motion or supporting memorandum should explain the emergency. The moving party should orally advise the Clerk's office that the emergency motion has been filed. The Court may require an expedited response or otherwise amend the schedule as appropriate.
- (M) **Sending Letters—or Copies of Letters—to the Judge.** A party or victim may address a letter to the judge about a forthcoming sentencing, but the letter must be provided to the probation office—not directly to the judge. A party must not address or send any other letter to the judge. A copy of a letter to and from others—including a letter between attorneys—may be filed with the Clerk as an exhibit when relevant to an issue that is being submitted. But filing letters between attorneys is discouraged. For purposes of this rule, a “letter” includes correspondence of any kind, including email.

Rule 7.2 Removing a Case from State Court

- (A) **Filing State-Court Papers.** At the time of a case's removal from state court, if feasible, and in any event within 14 days after removal, the removing party must file a copy of each paper filed or served in the state court.
- (B) **Pending Motions.** For a motion that was pending in state court at the time of removal, the attorneys must confer and the parties must file supporting and opposing memoranda, unless (1) these steps were already taken in state court or (2) Local Rule 7.1 would not have required these steps for a motion originally filed in this District. The deadline for a supporting memorandum is 14 days after removal. The deadline for an opposing memorandum is 14 days after the later of the removal or the filing of the supporting memorandum.

Rule 11.1 Attorneys

- (A) **Qualification for Admission to the District’s Bar.** An attorney is qualified for admission to the District’s bar only if the attorney is a member in good standing of the Florida Bar.
- (B) **Applying for Admission.** An application for admission to the District’s bar must be under oath and must be submitted to the Clerk in the form the Clerk directs. The applicant must submit proof of membership in the Florida Bar in the form the Clerk directs. The applicant must pay the fee set by administrative order, except that an applicant who is an employee of the United States or a state or local government need not pay the fee.
- (C) **Appearing Pro Hac Vice.** An attorney who is a member in good standing of the bar of a jurisdiction where the attorney resides or regularly practices law may file a motion in a case for leave to appear pro hac vice. The attorney must pay the fee set by administrative order and must file proof of bar membership in the form the Clerk directs. Admission pro hac vice does not change the attorney’s obligation to comply with Florida law on the unauthorized practice of law.
- (D) **Other Appearances Prohibited; Exceptions for Emergencies and for Attorneys Representing the United States.** An attorney must not file a document or appear at a trial or hearing unless the attorney is a member of the District’s bar or has been granted leave to appear in the case pro hac vice. But in an emergency, an attorney may file a document or appear while seeking admission to the District’s bar or leave to appear pro hac vice. And an attorney may appear for the United States without being a member of the District’s bar or being admitted pro hac vice.
- (E) **Education.** By administrative order, the District may require an attorney to successfully complete a tutorial on the local rules—or to meet a similar requirement—before being admitted to the District’s bar, appearing pro hac vice, or appearing for the United States. By administrative order, the District may require an attorney to successfully complete a tutorial on the electronic filing system—or to meet a similar requirement—before filing materials electronically.
- (F) **Participation by a Represented Party Prohibited.** A party who is represented by an attorney must appear only through the attorney; the party may not file documents or participate in a trial or hearing on the party’s own behalf. A party who appears pro se may not be represented jointly or intermittently by an attorney. But an attorney may enter an appearance and thus end a party’s pro se status, so long as the appearance will not delay a trial or other proceeding, and the Court may allow an attorney to withdraw even if doing so will leave the party without an attorney.
- (G) **Professional Conduct, Disbarment, and Other Discipline.**
- (1) **Professional Conduct.** An attorney must comply with the Rules of Professional Conduct that are part of the Rules Regulating the Florida Bar, as amended from time to time, or with any set of rules adopted by the Florida Bar in their place, unless federal law provides otherwise.

- (2) **Notifying the District of Any Disbarment or Suspension.** An attorney who is disbarred or suspended from any jurisdiction's bar must immediately notify the district by letter to the Clerk or Chief Judge, enclosing a copy of the disbarment or suspension.
- (3) **Effect of Disbarment or Suspension by the Florida Bar.** An attorney who is disbarred or suspended by the Florida Bar stands automatically disbarred or suspended from the district's bar, without further action, effective at the same time as disbarment or suspension from the Florida Bar. Reinstatement to the Florida Bar after a suspension automatically reinstates the attorney to the district's bar. An attorney who is readmitted to the Florida Bar after disbarment may become a member of the district's bar only by reapplying.
- (4) **Disbarment or Suspension on Other Grounds.** An attorney will be removed or suspended from the District's bar on any other ground only after notice and an opportunity to be heard. At the District's option, the opportunity to be heard may be limited to submitting argument or evidence in writing. The attorney may be prohibited from acting on a case in this District after notice is given and while the attorney's removal or suspension is under consideration. Grounds for disbarment or suspension include:
- (a) disbarment or suspension from any jurisdiction's bar;
 - (b) conviction of, entry of a plea of guilty or nolo contendere to, or commission of a felony or misdemeanor;
 - (c) a finding of, or conduct constituting, contempt of this or any other court;
 - (d) a violation of the professional-conduct standards that apply under this rule's paragraph (G)(1); or
 - (e) other conduct inconsistent with the high level of professionalism expected in this District.
- (5) **Withdrawing from the District's Bar.** An attorney may withdraw from the District's bar by giving notice to the Clerk.
- (6) **Reinstatement.** The District may reinstate a removed or suspended attorney, or an attorney who has withdrawn, with or without conditions. A reinstated attorney must pay the admission fee unless the attorney is automatically reinstated under Local Rule 11.1(G)(3).
- (7) **Contempt.** A person may be held in contempt of court if the person (a) acts as an attorney in this District in violation of this rule or (b) pretends to be entitled to act as an attorney in this District but is not.
- (8) **Other Restrictions or Discipline.** For good cause, the District may limit an

attorney's activities in the District or impose other discipline, and the Court may limit an attorney's activities or impose discipline in a case, after giving any appropriate notice and opportunity to be heard.

(H) Withdrawing in a Case.

- (1) **When Court Approval Required.** An attorney who has appeared in a case may not withdraw unless:
 - (a) the Court grants leave to withdraw; or
 - (b) the client consents and the withdrawal will leave the client with another attorney of record who intends to continue in the case.
- (2) **Prior Notice.** An attorney must not move for leave to withdraw without first giving 14 days' notice to the client, unless giving notice is impossible. The motion must set out the client's position on the motion.
- (3) **Nonpayment of Fees.** An attorney ordinarily will not be allowed to withdraw based on a client's failure to pay attorney's fees or expenses if the withdrawal will delay a trial or hearing. And in a criminal case, a motion to withdraw based on a defendant's failure to pay attorney's fees or expenses ordinarily will be denied if made more than 7 days after the defendant's first arraignment.

(I) Responsibility of Retained Counsel in Criminal Cases.

- (1) Unless the Court, within 7 days after arraignment, is notified in writing of counsel's withdrawal because of the defendant's failure to make satisfactory financial arrangements, the Court will expect retained criminal defense counsel to represent the defendant until the conclusion of the case. Failure of a defendant to pay sums owed for attorney's fees or failure of counsel to collect a sum sufficient to compensate for all the services usually required of defense counsel will not constitute good cause for withdrawal after the 7-day period has expired.
- (2) If a defendant moves the Court to proceed on appeal *in forma pauperis* and/or for appointment of Criminal Justice Act appellate counsel, counsel retained for trial will, in addition to the information required under Form 4 of the Rules of Appellate Procedure, be required to fully disclose in camera (a) the attorney's fee agreement and the total amount of such fees and costs paid to date, in cash or otherwise; (b) by whom fees and costs were paid; (c) any fees and costs remaining unpaid and the complete terms of agreements concerning payment thereof; (d) the costs actually incurred to date; and (e) a detailed description of services actually rendered to date, including a record of the itemized time (to the nearest 1/10 of an hour) for each service, both in-court and out-of-court, and the total time. All such information submitted will be viewed in camera by the Court for the purpose of deciding the defendant's motion and will be a part of the record (sealed if requested) in the case.

Rule 15.1 Amending a Pleading

- (A) **Complete Copy Required.** A pleading may be amended only by filing a complete copy of the amended pleading. Allegations in a prior pleading that are not set out in the amended pleading are deemed abandoned.
- (B) **Separately Docketing a Motion for Leave and the Amended Pleading.** When a pleading may be amended only by leave of court, the amending party must file a motion for leave to amend and must simultaneously file the proposed amended pleading itself. The proposed amended pleading will become effective only if the Court grants leave to amend.

Rule 16.1 Rule 26(f) Attorney Conference; Prior Discovery

In a civil case in which the attorneys must confer under Federal Rule of Civil Procedure 26(f), the conference must occur as soon as practicable. The Court may—and ordinarily will—enter an order modifying the deadline for the conference. If an order has not been entered, the deadline is determined by the Federal Rules and is ordinarily the earlier of 69 days after any defendant has appeared or 99 days after the first service of process on any defendant. A party may seek discovery before the conference only when authorized by the Federal Rules, by stipulation, or by an order in the case.

Rule 16.2 Notice of a Settlement or Intent to Plead Guilty or Move to Continue; Assessing Costs

- (A) **Duty to Give Notice.** Each attorney of record must ensure that the Court is notified immediately when:
 - (1) A civil case is settled;
 - (2) A defendant elects to enter a guilty plea;
 - (3) The parties resolve by agreement a motion or other dispute that is under submission; or
 - (4) A party expects to move for continuance of a trial or hearing.
- (B) **Manner of Giving Notice.** Actual notice must be given in a manner that ensures that the judge and court personnel do not unnecessarily work on a settled case or issue and that jurors are not unnecessarily required to appear. When a trial or hearing is imminent or a matter is under submission, filing an electronic notice may not be

sufficient; telephone notice may be required. A party must give notice to all other parties at least as promptly as to the Court.

- (C) **Expenses.** If a party fails to give notice at least two days—calculated under Federal Rule of Civil Procedure 6—before a jury panel is scheduled to report for jury selection, juror attendance and mileage fees will be assessed against the party or the party’s attorney or both, unless the Court orders otherwise for good cause. Other expenses incurred as a result of any failure to give timely notice under this rule—including witness fees, travel expenses, and expenses incurred by the United States Marshal or for court security—may also be assessed. Expenses assessed against an attorney appointed under the Criminal Justice Act may be offset against the attorney’s fee.

Rule 16.3 Mediation

The Court may order the parties to mediate a civil case. The parties may agree to mediate a civil case even when the Court has not ordered them to do so. Mediation must be conducted in accordance with the Rules for Certified and Court-Appointed Mediators adopted by the Florida Supreme Court, except as otherwise ordered, but this sentence does not apply to a settlement conference—even if called “mediation”—conducted by a district or magistrate judge. Everything said during a mediation or settlement conference—other than the terms of any settlement agreement itself—is confidential and inadmissible as a settlement negotiation.

Rule 23.1 Class Actions

A pleading that asserts a claim on behalf of or against a class must set out the proposed definition of the class and must allege facts showing that the claim or defense may be so maintained. The pleader must file a motion to certify the class, together with a memorandum and evidence showing the class certification is appropriate, within 90 days after filing the pleading. The Court may change the deadline by an order in the case. The filing of an amended pleading does not extend the deadline.

Rule 24.1 Constitutional Challenges to Statutes, Rules, and Ordinances

A party who files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute or rule must promptly file and serve a notice under Federal Rule of Civil Procedure 5.1(a). A party who files a pleading, written motion, or other paper calling into question the constitutionality of a political subdivision’s ordinance or rule must file a notice and serve it on the state attorney general, the state attorney with jurisdiction in the political subdivision’s geographic area, and the attorney for the political subdivision.

Rule 26.1 Discovery in Civil Cases

- (A) **Discovery Materials Not To Be Filed; Exceptions.** A party may conduct discovery but must not file a discovery request or response or a deposition transcript unless:
- (1) the Court orders the filing;
 - (2) the material is needed for determination of a pending motion or issue; or
 - (3) the material is admitted into evidence at a trial or hearing.
- (B) **Place of Depositions.** Unless the Court orders otherwise for cause,
- (1) a party who asserts a claim for affirmative relief—other than costs and attorney’s fees—can be required to appear once in this District for a deposition; and
 - (2) any other party can be required to appear for a deposition only where a nonparty witness could be required to appear.
- (C) **Objections to Written Discovery Requests.** An objection to an interrogatory, production request, or admission request must be set out specifically for the individual interrogatory, production request, or admission request; an objection cannot be set out generally for an entire set of discovery requests. Boilerplate objections are strongly disfavored.
- (D) **Motions To Compel.** A discovery motion must frame the dispute clearly and, if feasible, must, for each discovery request at issue:
- (1) quote the discovery request verbatim;
 - (2) quote each objection specifically directed to the discovery request; and
 - (3) set out the reasons why the discovery should be compelled.

Rule 26.2 Discovery in Criminal Cases

- (A) **Policy.** It is the District’s policy to rely on the standard discovery procedure as set forth in this rule as the sole means for the exchange of discovery in criminal cases except in extraordinary circumstances. This rule is intended to promote the efficient exchange of discovery without altering the rights and obligations of the parties, but at the same time eliminating the practice of routinely filing voluminous and duplicative discovery motions. Best practices consistent with this rule may be addressed by administrative order.

- (B) **Discovery Upon Defendant's Request.** At the earliest opportunity and no later than 7 days after arraignment, the defendant's attorney shall contact the government's attorney and make a good faith attempt to have all properly discoverable material and information promptly disclosed or provided for inspection or copying. In addition, upon request of the defendant, the government shall specifically provide the following within 7 days after the request:
- (1) **Defendant's Statements Under Fed. R. Crim. P. 16(a)(1)(A)(B), and (C).**
Any written or recorded statements made by the defendant; the substance of any oral statement made by the defendant before or after the defendant's arrest in response to interrogation by a then known-to-be government agent which the government intends to offer in evidence at trial; and any recorded grand jury testimony of the defendant relating to the offenses charged.
 - (2) **Defendant's Prior Record Under Fed. R. Crim. P. 16(a)(1)(D).** The defendant's complete arrest and conviction record, as known to the government.
 - (3) **Documents and Tangible Objects Under Fed. R. Crim. P. 16(a)(1)(E).**
Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which the government intends to use as evidence-in-chief at trial, which are material to the preparation of the defendant's defense, or which were obtained from or belong to the defendant.
 - (4) **Reports of Examinations and Tests Under Fed. R. Crim. P. 16(a)(1)(F).**
Results or reports of physical or mental examinations and of scientific tests or experiments, or copies thereof, which are material to the preparation of the defendant's defense or are intended for use by the government as evidence-in-chief at trial.
 - (5) **Expert Witnesses Under Fed. R. Crim. P. 16(a)(1)(G).** A written summary of testimony the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence.
- (C) **Defendant's Discovery Obligations.** If the defendant requests disclosure under subdivisions (a)(1)(C),(D), or (E) of Fed. R. Crim. P. 16, or if the defendant has given notice under Fed. R. Crim. P. 12.2 of an intent to present expert testimony on the defendant's mental condition, the government shall make its requests as allowed by Fed. R. Crim. P. 16 within 3 days after compliance with the defendant's request or after receipt of defendant's notice of intent to present expert testimony on the defendant's mental condition pursuant to Fed. R. Crim. P. 12.2, and the defendant shall provide, by the deadline set out below, the following:
- (1) **Documents and Tangible Objects Under Fed. R. Crim. P. 16(b)(1)(A).**
Within 7 days after government's request, books, papers, documents, photographs, tangible objects, or copies or portions thereof, which the defendant intends to introduce as evidence-in-chief at trial.

- (2) **Reports of Examinations and Tests Under Fed. R. Crim. P. 16(b)(1)(B).** At least 30 days before the trial, results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which the defendant intends to introduce as evidence-in-chief at trial, or which were prepared by a witness whom the defendant intends to call at trial and which relate to that witness's testimony.
 - (3) **Expert Witnesses Under Fed. R. Crim. P. 16(b)(1)(C).** Within 14 days after the government's request, a written summary of testimony the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence.
- (D) **Other Disclosure Obligations of the Government.** The government's attorney shall provide the following within 7 days after the defendant's arraignment, or promptly after acquiring knowledge thereof:
- (1) **Brady Material.** All information and material known to the government which may be favorable to the defendant on the issues of guilt or punishment, without regard to materiality, that is within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 427 U.S. 97 (1976).
 - (2) **Giglio Material.** The existence and substance of any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective witnesses, within the scope of *United States v. Giglio*, 405 U.S. 150 (1972) and *Napus v. Illinois*, 360 U.S. 264 (1959).
 - (3) **Testifying Informant's Convictions.** A record of prior convictions of any alleged informant who will testify for the government at trial.
 - (4) **Defendant's Identification.** If a lineup, showup, photo spread or similar procedure was used in attempting to identify the defendant, the exact procedure and participants shall be described and the results, together with any pictures and photographs, shall be disclosed.
 - (5) **Inspection of Vehicles, Vessels, or Aircraft.** If any vehicle, vessel, or aircraft was allegedly utilized in the commission of any offenses charged, the government shall permit the defendant's counsel and any experts selected by the defense to inspect it, if it is in the custody of any governmental authority.
 - (6) **Defendant's Latent Prints.** If latent fingerprints, or prints of any type, have been identified by a government expert as those of the defendant, copies thereof shall be provided.
- (E) **Obligations of the Government.**
- (1) The government shall advise all government agents and officers involved in the case to preserve all rough notes and electronically stored information.
 - (2) The government shall advise the defendant of its intention to introduce

evidence at trial, pursuant to Rule 404(b), Federal Rules of Evidence.

- (3) If the defendant was an “aggrieved person” as defined in 18 U.S.C. § 2510(11), the government shall so advise the defendant and set forth the detailed circumstances thereof.
- (4) The government shall anticipate the need for, and arrange for the transcription of, the grand jury testimony of all witnesses who will testify in the government's case-in-chief, if subject to Fed. R. Crim. P. 26.2 and to 18 U.S.C. § 3500. *Jencks* Act materials and witnesses’ statements shall be provided as required by Fed. R. Crim. P. 26.2 and § 3500. However, the government, and where applicable, the defendant, is requested to make such materials and statements available to the other party sufficiently in advance so as to avoid any delays or interruptions at trial.

(F) Obligations of the Defendant.

- (1) **Insanity.** If a defendant intends to rely upon the defense of insanity at the time of the alleged crime, or intends to introduce expert testimony relating to a mental disease, defect, or other mental condition bearing upon the issue of guilt, or, in a capital case, punishment, the defendant shall give written notice thereof to the government within 14 days after arraignment.
- (2) **Alibi.** If the attorney for the government makes demand for notice of defendant’s intent to offer a defense of an alibi, the defendant shall respond within 14 days after the demand.
- (3) **Entrapment.** If the defendant intends to rely upon the defense of entrapment, such intention shall be disclosed by written notice to the government’s attorney at least 14 days before the trial. *See United States v. Webster*, 649 F.2d 346 (5th Cir. 1981).

(G) Joint Obligations of Attorneys.

- (1) **Conference and Joint Report.** The attorneys for the government and the defendant shall confer at least 7 days prior to the scheduled date for jury selection and shall discuss all discovery requested and provided. They shall also make every possible effort in good faith to stipulate to facts, to points of law, and to the authenticity of exhibits (particularly regarding those exhibits for which records custodian witnesses may be avoided). A joint written statement, signed by the attorney for each defendant and the government, shall be prepared and filed prior to commencement of trial. It shall generally describe all discovery material exchanged and shall set forth all stipulations. No stipulation made shall be used against a defendant unless the stipulation is in writing and signed by both the defendant and the defendant’s attorney.
- (2) **Newly Discovered Evidence.** It shall be the duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information,

evidence, or other material within the scope of this rule, and there is a continuing duty upon each attorney to disclose by the speediest means available.

- (3) **Discovery Motions Prohibited.** No attorney shall file a discovery motion without first conferring with opposing counsel, and no motion will be considered by the Court unless it is accompanied by a certification of such conference and a statement of the moving party's good faith efforts to resolve the subject matter of the motion by agreement with opposing counsel. No discovery motions should be filed for information or material within the scope of this rule.
- (4) **Filing of Requests.** Discovery requests made pursuant to Fed. R. Crim. P. 16 and this local rule require no action on the part of the Court and should not be filed with the Clerk, unless needed for consideration of a motion or to preserve an issue for appeal.
- (5) **Protected Material.** When the government believes that public disclosure of *Giglio* material or testifying-informant convictions poses a danger to a witness, it may provide this information in an envelope separate from other discovery material and marked "*Giglio* material/informant convictions—
DISTRIBUTION OUTSIDE THE DEFENSE TEAM IS PROHIBITED." Information designated in this manner shall not be distributed by the attorney for the defendant, except to those working on the attorney's behalf. While it is information that is necessarily shared with the defendant, copies of this information shall not be provided to the defendant.

Rule 41.1 Dismissal for Failure To Comply With a Rule or Court Order

If a party fails to comply with an applicable rule or a court order, the Court may strike a pleading, dismiss a claim, enter a default on a claim, take other appropriate action, or issue an order to show cause why any of these actions should not be taken.

Rule 54.1 Motions for Attorney's Fees

- (A) **Bifurcated Procedure.** A party who seeks an award of attorney's fees must first move for a determination of the party's *entitlement* to a fee award and may move for a determination of the *amount* of an award only after the Court determines the party's entitlement to an award. Local Rule 7.1, including the requirement for the attorneys to confer in a good-faith effort to resolve the dispute, applies in full.
- (B) **Deadline for an Entitlement Motion.** The deadline for moving for a determination of entitlement is 14 days after the entry of the judgment or, if there is no judgment, 14 days after the case is closed. An appeal does not extend the deadline unless the

Court so orders.

- (C) **Maintaining Time Records.** No award of attorney's fees will be made based in whole or part on time devoted to a case unless the attorney or other timekeeper made a contemporaneous, detailed record of the time to the nearest tenth hour. A detailed record must provide enough information to allow the Court to evaluate reasonableness; an entry like "research" or "conference" without a description of the subject will not do.
- (D) **Filing and Disclosing Time Records.** Unless an assigned judge orders otherwise, the time records must not be filed with the Clerk until necessary for the determination of a fee motion. But a party must promptly disclose to another party—on a request made at any time—the total number of hours that have been devoted to the case by the party's attorneys and other timekeepers through the end of the month preceding the request.
- (E) **Required Filings in Support of a Motion to Determine the Fee Amount.** If the Court determines that a party is entitled to a fee award, the party must file within 30 days:
 - (1) A declaration setting out the time devoted to the case by date and task, specifically identifying the timekeeper and the timekeeper's claimed hourly rate. The declaration must include sufficient detail to allow a determination of reasonableness. And the declaration must include sufficient detail to allow the maximum feasible separation of time devoted to matters that are and are not compensable and matters on which the party did and did not prevail.
 - (2) A declaration of an independent attorney addressing the reasonableness of the claimed time and rates.
- (F) **Required Filings in Opposition to a Motion to Determine the Fee Amount.** A party who opposes a motion to determine the fee amount must file within 30 days after the motion is served a memorandum specifically identifying any objection to the claimed amount. If the party objects to a timekeeper's claimed hourly rate, the memorandum must set out the rate that the party asserts is reasonable. If the party asserts that hours should be reduced or not compensated, the memorandum must identify the hours or otherwise specifically describe the proposed reduction. The memorandum must set out the fee award the party asserts would be reasonable—and by doing so the party will not be deemed to waive the party's objection that fees should not be awarded at all.
- (G) **Additional Conference and Notice.** After a party files a memorandum in opposition to the motion to determine the fee amount, the attorneys must confer again in a good-faith effort to resolve the dispute—on amount if not also on entitlement. The parties must file within 14 days a notice of whether they have reached any agreement.

Rule 54.2 Taxation of Costs

- (A) **Bill of Costs Required; Objections; Deadlines.** A party who seeks taxation of costs—other than attorney’s fees—must file a verified bill of costs on a form available from the Clerk or on the District’s website. The deadline for filing the bill of costs is 14 days after the entry of the judgment or, if there is no judgment, 14 days after the case is closed. The party may simultaneously file a memorandum in support of the bill of costs. Any other party may file a memorandum in opposition within 14 days after the bill of costs is filed. An appeal does not extend these deadline unless the Court so orders.
- (B) **Taxation by the Clerk or the Court.** Unless the Court orders otherwise, the Clerk will review and take appropriate action on the bill of costs, after the deadline for filing objections.
- (C) **Review by the Court.** On motion filed within 7 days after the Clerk’s action, the Court may review the action.
- (D) **Administrative Order.** An administrative order may provide guidance to the Clerk and parties on the taxation of categories of costs, but the administrative order will have no legal effect in any dispute over whether a cost legally can or should be taxed in a case.

Rule 56.1 Summary-Judgment Motions

- (A) **Federal Rule 56.** A summary-judgment motion is governed by Federal Rule of Civil Procedure 56 and, unless the Court orders otherwise, this rule.
- (B) **Motion and Supporting Memorandum.** A party who moves for summary judgment must file at the same time a memorandum of up to 25 pages and any supporting evidence not already in the record. The memorandum must include a statement of facts generally in the form that would be appropriate in an appellate brief. A statement of facts must not be set out in a separate document.
- (C) **Opposing Memorandum.** An opposing party must file within 21 days—without a 3-day extension based on electronic service of the motion—a memorandum of up to 25 pages and any opposing evidence not already in the record. The memorandum must respond to the moving party’s statement of facts as would be appropriate in an appellate brief. The opposing party must not file a separate document setting out the facts or responding to the moving party’s statement of facts.
- (D) **Reply Memorandum.** The moving party may file a reply memorandum of up to 10 pages. The moving party should do so only if the opposing memorandum raised new matters not addressed in the original supporting memorandum. The deadline for

a reply memorandum is 7 days after the opposing memorandum is filed—without a 3-day extension based on electronic service of the opposing memorandum.

- (E) **Pinpoint Record Citations Required.** Each memorandum must include pinpoint citations to the record evidence supporting each factual assertion. The Court need consider only the properly cited materials, but it may consider other materials in the record.
- (F) **Ruling Without a Hearing; Time for a Ruling.** A motion may be resolved against a party without a hearing—and without further notice—at any time after the party has had an opportunity to file a memorandum and evidence under this rule.

Rule 72.1 Authority of United States Magistrate Judges

- (A) **Duties Under 28 U.S.C. § 636; Effect of a Ruling by a Magistrate Judge.**
 - (1) A magistrate judge is a judicial officer of the district court. All United States magistrate judges serving within the territorial jurisdiction of the Northern District of Florida have the authority conferred by 28 U.S.C. § 636 and may exercise all other powers and duties conferred or imposed by law and the federal procedure rules.
 - (2) A magistrate judge's ruling or order in a matter heard and determined by a magistrate judge is the court's ruling and will remain in effect unless and until reversed, vacated, modified, or stayed. The filing of a motion for reconsideration does not stay the magistrate judge's ruling or order.
- (B) **Designation for Trial of Misdemeanor Cases Upon Consent Under 18 U.S.C. § 3401.** All United States magistrate judges serving within the territorial jurisdiction of the Northern District of Florida are hereby designated to try persons accused of, and sentence persons convicted of, misdemeanors and petty offenses committed within this District, in accordance with 18 U.S.C. § 3401 and Fed. R. Crim. P. 58.
- (C) **Designation for Trial of Civil Cases Upon Consent Pursuant to 28 U.S.C. § 636(c).** With the consent of the parties, full-time magistrate judges are hereby designated to conduct civil trials, including the entry of final judgment.

Rule 72.2 Referral of Matters to Magistrate Judges by this Rule

- (A) **Misdemeanor Cases.** All misdemeanor cases, including those transferred to this District pursuant to Fed. R. Crim. P. 20, shall be assigned by the Clerk, upon the filing of an information, complaint, or violation notice, or the return of an indictment, to a magistrate judge, who shall proceed in accordance with the provisions of 18 U.S.C. § 3401 and of the Fed. R. Crim. P. 58.

- (B) **Applications for Post-Trial Relief by Persons Convicted of Criminal Offenses and Other Cases Filed Under 28 U.S.C. §§ 2241, 2254, and 2255.** Except in cases in which the death penalty has been imposed, all cases seeking post-trial or postconviction relief by persons convicted of state or federal offenses and all other cases arising under 28 U.S.C. §§ 2241, 2254, or 2255, shall be assigned to a district judge and, unless otherwise ordered, shall be referred by the Clerk to a full-time magistrate judge for all proceedings, including preliminary orders, conduct of necessary evidentiary hearings, and filing of a report and recommendation containing proposed findings of fact and conclusions of law and recommending disposition of the application or petition.
- (C) **Civil Rights Cases Filed by Prisoners.** All prisoner petitions and complaints challenging conditions of confinement pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331 (*Bivens* actions), or pursuant to similar statutes, shall be assigned to a district judge and, unless otherwise ordered, shall be referred by the Clerk to a full-time magistrate judge for all proceedings, including preliminary orders, conduct of necessary evidentiary hearings, and filing of a report and recommendation containing proposed findings of fact and conclusions of law and recommending disposition of the complaint.
- (D) **Social Security Cases and Other Administrative Proceedings.** All actions brought under section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) and related statutes, and all other actions to review administrative determinations on a developed administrative record shall be assigned to a district judge and, unless otherwise ordered, shall be referred by the Clerk to a magistrate judge for all proceedings, including preliminary orders, conduct of necessary hearings, and filing of a report and recommendation containing proposed findings of fact and conclusions of law and recommending disposition of the petition or complaint.
- (E) **Civil Cases Filed by Non-Prisoner Pro Se Litigants.** All civil cases filed where one or more of the parties is a non-prisoner pro se litigant shall be assigned to a district judge and, unless otherwise ordered, shall be referred by the Clerk to a full time magistrate judge for all proceedings, including preliminary orders, conduct of necessary hearings, and filing of a report and recommendation containing proposed findings of fact and conclusions of law and recommending disposition of the case.
- (F) **Additional Duties.** Absent an order by a district judge in a specific case to the contrary, the following additional matters shall routinely be referred by the Clerk to magistrate judges serving within the territorial jurisdiction of the Northern District of Florida when a magistrate judge is available, and magistrate judges to whom such matters have been referred shall have authority to:
- (1) Issue criminal complaints and issue appropriate arrest warrants or summons;
 - (2) Issue search warrants pursuant to Fed. R. Crim. P. 41, and issue administrative search or inspection warrants;

- (3) Review for probable cause and issue process upon any other application by the United States (for example, for seizure of real property in rem) for which there is evolving legal precedent indicating a need for a judicial finding of probable cause before proceeding;
- (4) Issue warrants and orders as authorized by 18 U.S.C. § 2703 (disclosure of customer communications or records), 18 U.S.C. § 3123 (a pen register or a trap and trace device), or orders and writs pursuant to 28 U.S.C. § 1651(a) (all writs necessary or appropriate in aid of jurisdiction);
- (5) Conduct initial appearances in felony cases, consider and determine motions for detention, impose conditions of release pursuant to 18 U.S.C. § 3142, conduct arraignments upon indictments for purposes of taking a not guilty plea, and issue scheduling orders setting trial;
- (6) Appoint counsel for indigent persons pursuant to 18 U.S.C. § 3006A;
- (7) Consider and determine motions for detention and impose conditions of release for material witnesses pursuant to 18 U.S.C. § 3144;
- (8) Conduct preliminary hearings upon criminal complaints and determine probable cause;
- (9) Conduct and determine removal hearings and issue warrants of removal;
- (10) Conduct first appearances and preliminary hearings, by whatever name called, in proceedings for the revocation of parole, supervised release, mandatory release, or probation;
- (11) Receive the return of indictments by the grand jury and issue process thereon;
- (12) Hear and order discharge of indigent prisoners or persons imprisoned for debt under process or execution issued by a federal court pursuant to 18 U.S.C. § 3569 (repealed 1987) and 28 U.S.C. § 2007;
- (13) Appoint interpreters in cases pending before a magistrate judge initiated by the United States pursuant to 28 U.S.C. §§ 1827 and 1828;
- (14) Issue warrants and conduct extradition proceedings pursuant to 18 U.S.C. § 3184;
- (15) Perform the functions specified in 18 U.S.C. §§ 4107, 4108, and 4109, regarding proceedings for verification of consent by offenders to transfer to or from the United States and the appointment of counsel therein;
- (16) Institute proceedings against persons violating certain civil rights statutes under 42 U.S.C. §§ 1987 and 1989;

- (17) Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings in any civil and criminal cases;
- (18) Issue attachment or other orders to enforce obedience to an Internal Revenue Service summons to produce records or give testimony pursuant to 26 U.S.C. § 7604(a) and (b);
- (19) Settle and certify the nonpayment of seaman's wages and conduct proceedings for the disposition of deceased seaman's effects under 46 U.S.C. § 10101 *et seq.*;
- (20) Enforce awards of foreign consul and arbitrate differences between captains and crews of vessels of the consul's nations under 22 U.S.C. § 358a;
- (21) Review prisoner correspondence;
- (22) Enter court orders to withdraw funds from the registry of the court in matters handled by the magistrate judge;
- (23) Preside at naturalization ceremonies and issue orders granting motions for naturalization;
- (24) Preside at attorney admission ceremonies and issue orders granting applications for admission to the District's bar;
- (25) Adopt schedules for forfeiture of collateral under Fed. R. Crim. P. 58(d)(1);
- (26) Issue warrants of arrest in rem, attachment, garnishment, or other process in admiralty; and
- (27) Determine actions to be taken regarding noncomplying documents submitted for filing under N.D. Fla. Loc. R. 5.1, or the Federal Rules of Civil or Criminal Procedure.

Rule 72.3 Specific Referrals of Matters to Magistrate Judges

Any district judge may assign any matter, civil or criminal, to a magistrate judge of this District to the full extent permitted by 28 U.S.C. § 636. Specifically included is the taking of guilty pleas in felony cases with the consent of the defendant and recommending the acceptance or rejection of such pleas to the district judge, and ordering a presentence investigation report. The assignment and designation of duties to magistrate judges by district judges may be made by written standing order entered jointly by the resident district judges of the District or of any division of the District or through oral directive or written order by any individual district judge in any case, cases, or category of cases assigned to that judge.

Rule 72.4 Full-time and Part-time Magistrate Judges

Any reference in these local rules to magistrate judges includes both full-time and part-time magistrate judges unless otherwise expressly stated in these rules or in the applicable general law or rules of procedure.

Rule 73.1 Procedures for Consent to Trial Before a Magistrate Judge

- (A) **Notice.** In all civil cases, as may be provided by Administrative Order, the Clerk shall notify the parties that, pursuant to 28 U.S.C. § 636(c), they may consent to have a full-time magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. The notice shall state that the parties are free to withhold their consent without adverse substantive consequences.
- (B) **Execution of Consent.** Any party who consents to trial of any or all of the civil case by a magistrate judge must execute a consent form and return it to the office of the Clerk within 45 days of the date of service of the notice. The form shall not be returned if the party does not consent. No magistrate judge, district judge, or other court official may attempt to coerce any party to consent to the reference of any matter to a full-time magistrate judge. This rule, however, shall not preclude any district judge or magistrate judge from informing the parties that they may have the option of having a case referred to a full-time magistrate judge for all proceedings, including trial.
- (C) **Reference.** Cases in which the parties have timely filed a fully executed consent form shall be referred to the full-time magistrate judge assigned to the case, and notice thereof shall be made a part of the file, with copies furnished to the parties.

Rule 77.1 Photographing, Recording, and Broadcasting Proceedings

- (A) Proceedings must not be photographed, recorded, broadcast, or transmitted by any means, except as authorized by this rule.
- (B) Investitures, naturalizations, and ceremonial proceedings may be photographed or recorded, unless the Court prohibits it.
- (C) Proceedings may be transmitted to or recorded by the United States Marshals Service for security purposes.
- (D) The court reporter may make an audio recording for use in preparing an official transcript. And other court personnel may make an audio recording when the

recording will be the official record of a proceeding.

- (E) The Court may authorize any other photograph, recording, broadcast, or transmission if consistent with any applicable policies of the Judicial Conference of the United States and Eleventh Circuit Judicial Council.

Rule 77.2 Electronic Devices

- (A) This rule applies to devices that are capable of remote communication (including cellular telephones, laptops, and electronic tablets). This rule also applies to devices that are capable of photographing, recording, broadcasting, or transmitting proceedings. Such devices must not be brought into a United States Courthouse in this District, except as authorized by this rule.
- (B) Court employees and employees of an agency with an office in a courthouse may bring devices into the courthouse but may not bring devices into a courtroom unless otherwise authorized by this rule.
- (C) Officers providing security may bring devices into a courtroom.
- (D) The attorneys of record in a case and members of their staffs may bring devices into the courthouse and into a courtroom. While in the courtroom, attorneys and staff members may use devices only in connection with the proceeding and otherwise must keep devices off or in silent mode. Cellular telephones and other hand-held devices must be kept out of sight while court is in session. Devices may be used outside a courtroom or in other parts of the building so long as court proceedings are not disturbed. The Court may change these provisions by an order in a case.
- (E) Members of the media may request the same authority to bring in and use devices as attorneys and their staffs have under this rule's paragraph (D). A request may be made orally or in writing to the Clerk. The Clerk may grant the request under guidelines established by an administrative order or as authorized by the Court in a case. Unless the Clerk grants such a request or the Court gives greater authority under this rule's paragraph (G), members of the media have the same rights, and are subject to the same obligations, as members of the public.
- (F) Devices may be brought into a courthouse for photographing, recording, broadcasting, or transmitting proceedings as authorized by Local Rule 77.1.
- (G) The Court may authorize devices to be brought into the courthouse or courtroom on other specific occasions and may authorize or restrict their use.
- (H) The United States Marshals Service may agree to store a device that cannot properly be brought into the courthouse under this rule. And as part of its control over the courthouse grounds, the Marshals Service may ban or restrict devices on the grounds.

Rule 77.3 Video and Audio Proceedings

The Court may conduct a trial or hearing—and may receive testimony and other evidence—by video or audio transmission from a remote location, unless contrary to law.

Rule 77.4 Release of Information in Criminal and Civil Cases

- (A) **Release of Information by Officials - General.** No judicial branch employee (including a judge's staff, clerks, probation officers, and court reporters), no officer, employee or representative of the United States Marshals Service or court security officer, nor any state, local, or federal law enforcement officer or employee associated with or assisting in the preparation or trial of a criminal case, may disseminate by any means of public communication, without authorization by the Court, information relating to an imminent or pending criminal or civil case that is not part of the public records of the court.
- (B) **Release of Information by Attorneys--Criminal Cases.**
 - (1) It is the duty of attorneys, including the United States Attorney, who represent parties in criminal cases, and their respective staffs, not to release or authorize the release of information or opinion which a reasonable person would expect to be disseminated by means of public communication, in connection with pending or imminent criminal litigation with which the attorney is associated, if there is a substantial likelihood that such dissemination will cause material prejudice to a fair trial or otherwise cause material prejudice to the due administration of justice.
 - (2) With respect to a grand jury or other pending investigation of any criminal matter, an attorney participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.
 - (3) From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, no attorney nor others associated with the prosecution or defense shall release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication, relating to that matter and concerning:

- (a) The prior criminal record (including arrests, indictment, or other charges of crime) or the character or reputation of the accused, except that the attorney may make a factual statement of the accused's name, age, residence, occupation, and family status. If the accused has not been apprehended, an attorney associated with the prosecution may release any information necessary to aid in apprehension of the accused or to warn the public of any dangers the accused may present;
 - (b) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;
 - (c) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;
 - (d) The identity, testimony, or credibility of prospective witnesses, except that the attorney may announce the identity of the victim if the announcement is not otherwise prohibited by law;
 - (e) The possibility of a plea of guilty to the offense charged or a lesser offense;
 - (f) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.
- (4) These prohibitions shall not be construed to preclude the attorney, in the proper discharge of official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission, or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges.
- (5) During the trial of any criminal matter, including the period of selection of the jury, no attorney associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial which a reasonable person would expect to be disseminated by means of public communication, except that an attorney may quote from or refer without comment to public records of the court in the case.
- (6) After the completion of a trial or disposition without trial of any criminal

matter, and prior to the imposition of sentence, an attorney associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication if there is a substantial likelihood that such dissemination will materially prejudice the imposition of sentence.

- (7) Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative, or to preclude any attorney who represented a party from replying to charges, made public, of attorney misconduct.

(C) **Release of Information by Attorneys--Civil Cases.** An attorney associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a substantial likelihood that such dissemination will cause material prejudice to a fair trial and which relates to:

- (1) Evidence regarding the occurrence or transaction involved;
- (2) The character, credibility, or criminal record of a party, witness, or prospective witness;
- (3) The performance of results or any examinations or tests or the refusal or failure of a party to submit to such;
- (4) An opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule; or
- (5) Any other matter reasonably likely to interfere with a fair trial of the action.

(D) **Special Orders in Widely Publicized and Sensational Cases.** In a widely publicized or sensational case, the Court on motion of either party or on its own motion, may issue a special order governing such matters as: (1) extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, (2) the seating and conduct in the courtroom of spectators and news media representatives, (3) management and sequestration of jurors and witnesses, and (4) any other matters which the Court may deem appropriate for inclusion in such an order.

(E) **Sealed Indictments in Criminal Cases.** Sealed indictments will be automatically unsealed by the Clerk at the first appearance of any defendant named in that indictment unless otherwise ordered by a judicial officer.

(F) **Disposition of Sealed Documents in Civil Cases at the Conclusion of the Case.** Thirty days after the conclusion of a civil case (expiration of the time to appeal, if no

appeal is filed, or voluntary dismissal of the appeal, or receipt of the mandate after an appeal and expiration of the time in which to seek certiorari review in the Supreme Court, if an appeal is taken) all sealed documents maintained in paper form will be returned to the party who submitted them, and the party shall retain the documents for 3 years thereafter.

Rule 77.5 Marshal To Attend Court

Unless excused by the presiding judge, the United States Marshal of this District, or deputy, or, as an alternative in civil cases only, a court security officer, shall be in attendance during all sessions of any kind conducted in open court.

Rule 87.1 Appeals in Bankruptcy Cases

The Federal Rules of Bankruptcy Procedure govern the schedule for an appeal to the district court in a bankruptcy case except as otherwise ordered by the Court.

Rule 88.1 Presentence Investigation Reports; Sentencing Procedures; Provisions of Pretrial Services

- (A) Ordinarily, sentencing will occur approximately 70 days following the defendant's plea of guilty or *nolo contendere*, or upon being found guilty, subject to the time limitations and other provisions of Fed. R. Crim. P. 32, and following the preparation of a presentence report by the probation officer.
- (B) The presentence report shall be disclosed only as permitted under Fed. R. Crim. P. 32; however, the probation officer's recommendation, if any, on the sentence, shall be disclosed only to the sentencing judge.
- (C) The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically or electronically delivered; or (2) one day after the report's availability for inspection is orally communicated; or (3) three days after a copy of the report or notice of its availability is mailed. A party must make objections or give notice that it has no objections as required by Fed. R. Crim. P. 32(f).
- (D) No confidential records of the court maintained at the probation office, including presentence reports and probation supervision reports, shall be sought by any applicant except by written request to the Court establishing with particularity the need for specific information believed to be contained in such records. When a demand for disclosure of such information or such records is made by way of

subpoena or other judicial process served upon a probation officer of this court, the probation officer may file a petition seeking instruction from the Court with respect to the manner in which that officer should respond to such subpoena or such process.

- (E) Any party filing an appeal or cross appeal in any criminal case in which it is expected that an issue will be asserted pursuant to 18 U.S.C. § 3742 concerning the sentence imposed by the Court shall immediately notify the probation officer who shall then file with the Clerk for inclusion in the record *in camera* a copy of the presentence investigation report. The probation officer shall also furnish, at the same time, a copy of the presentence report to the United States and to the defendant.
- (F) Pretrial services within the purview of 18 U.S.C. § 3152 *et seq.* shall be supervised and provided by the chief probation/pretrial services officer of this court pursuant to 18 U.S.C. § 3152(a). Any federal officer taking or receiving custody of a defendant in the Northern District of Florida shall immediately notify the probation office of such detention, the name of the defendant, the charge(s) against the defendant, and the place in which the defendant is being detained. A pretrial services officer shall then interview the defendant as soon as practicable at this place of confinement or, if the defendant has been released, at such other places as the pretrial services officer shall specify.
- (G) A party may file a sentencing memorandum. The deadline for doing so is three days before the sentencing hearing.

Rule 88.2 Appeal of a Magistrate Judge's Rulings in Consent Misdemeanor Cases

- (A) Appeals from any decision, order, judgment, or sentence entered by a magistrate judge in a misdemeanor criminal case, including petty offenses, as to which the defendant has consented to proceed before a magistrate judge shall be governed by Fed. R. Crim. P. 58.
- (B) Upon receipt of the notice of appeal, the Clerk shall docket the appeal and assign the case to a district judge.
- (C) Unless excused by order of the district judge, every appellant shall be responsible for preparation of a typewritten transcript of the proceedings before the magistrate judge from which an appeal has been taken. If such transcript has been prepared from an audio tape recording, the transcript shall be submitted to the magistrate judge for certification of its accuracy. After certification by the magistrate judge, the transcript shall be forwarded to the Clerk for filing, and the Clerk shall promptly notify the parties of the filing. A copy of the record of such proceedings shall be made available, at the expense of the court, to a person who establishes by affidavit the inability pay or give security therefor.
- (D) Within 15 days of the date on which the transcript is filed in the Clerk's office, or if there is to be no transcript, within 15 days of the filing of the notice of appeal, the

appellant shall serve and file a brief which shall enumerate each reversible error claimed to have occurred in the proceedings before the magistrate judge. Within 15 days of service of appellant's brief, the appellee shall serve and file a brief. The appellant may serve and file a reply brief within 7 days of service of appellee's brief.

- (E) The district judge to whom the appeal is assigned may hear oral argument or may decide the appeal on the briefs. Requests for oral argument shall be made at the time briefs are filed and shall be granted at the discretion of the district judge.

Rule 88.3 Patent Rules

The Northern District of Georgia Local Patent Rules, as amended from time to time, apply in a patent case unless the Court orders otherwise.